



General Assembly

January Session, 2009

Amendment

LCO No. 6852

HB0552106852HD0

Offered by:

REP. LESSER, 100th Dist.
REP. O'CONNOR, 35th Dist.
REP. O'BRIEN, 24th Dist.
REP. RYAN, 139th Dist.
REP. NOUJAIM, 74th Dist.

To: Subst. House Bill No. 5521

File No. 202

Cal. No. 170

(As Amended by House Amendment Schedule "A")

**"AN ACT ELIMINATING CREDIT REPORTS AS A BASIS FOR
EMPLOYMENT DECISIONS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2009*) (a) No employer or an
4 employer's agent, representative or designee may require an employee
5 or prospective employee to consent to the creation of a credit report
6 that contains information about the employee's or prospective
7 employee's credit score, credit account balances, payment history,
8 savings or checking account balances or savings or checking account
9 numbers as a condition of employment unless (1) such report is
10 substantially related to the employee's current or potential job, (2) such

11 report is required by law, or (3) the employer reasonably believes that
12 the employee has engaged in specific activity that constitutes a
13 violation of the law. For the purposes of this section, "employee"
14 means any person engaged in service to an employer in a business of
15 his employer, and "employer" means any person engaged in business
16 who has one or more employees, including the state or any political
17 subdivision of the state. For the purposes of this section, "substantially
18 related to the employee's current or potential job" means the
19 information contained in the credit report is related to the position for
20 which the employee or prospective employee who is the subject of the
21 report is being evaluated because the position (A) is a managerial
22 position which involves setting the direction or control of the business,
23 (B) involves access to customers', employees' or employer's personal or
24 financial information other than information customarily provided in a
25 retail transaction, (C) involves a fiduciary responsibility to the
26 employer, including, but not limited to, the authority to issue
27 payments, transfer money or enter into contracts, or (D) provides an
28 expense account.

29 (b) Any employee or prospective employee may file a complaint
30 with the Labor Commissioner alleging a violation of the provisions of
31 subsection (a) of this section. At the request of either party, the
32 commissioner shall hold a hearing, in accordance with the provisions
33 of chapter 54 of the general statutes. Any employer who violates
34 subsection (a) of this section shall be liable to the Labor Department for
35 a civil penalty pursuant to section 31-69a of the general statutes, as
36 amended by this act. Any party aggrieved by a decision of the
37 commissioner may appeal the decision to the Superior Court in
38 accordance with the provisions of chapter 54 of the general statutes.

39 Sec. 2. Section 31-69a of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2009*):

41 (a) In addition to the penalties provided in this chapter and chapter
42 568, any employer, officer, agent or other person who violates any
43 provision of this chapter, [or] chapter 557, section 1 of this act or

44 subsection (g) of section 31-288, shall be liable to the Labor Department
 45 for a civil penalty of three hundred dollars for each violation of said
 46 chapters and for each violation of subsection (g) of section 31-288,
 47 except that any person who violates (1) a stop work order issued
 48 pursuant to subsection (c) of section 31-76a, shall be liable to the Labor
 49 Department for a civil penalty of one thousand dollars and each day of
 50 such violation shall constitute a separate offense, and (2) any provision
 51 of section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or
 52 section 31-18, 31-23 or 31-24 shall be liable to the Labor Department for
 53 a civil penalty of six hundred dollars for each violation of said sections.

54 (b) The Attorney General, upon complaint of the Labor
 55 Commissioner, shall institute civil actions to recover the penalties
 56 provided for under subsection (a) of this section. Any amount
 57 recovered shall be deposited in the General Fund and credited to a
 58 separate nonlapsing appropriation to the Labor Department, for other
 59 current expenses, and may be used by the Labor Department to
 60 enforce the provisions of chapter 557, this chapter and subsection (g) of
 61 section 31-288 and to implement the provisions of section 31-4."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	31-69a